

(f) Upon receiving written notice that the food service manager's certification has been revoked, the food service manager shall submit the certification card to the health officer. In the event a certification is revoked, the city shall not be liable for any refund of any part of the fee paid for the certification.

(g) A person whose food service manager's certification has been revoked shall not be granted a new certification until he has attended a course of training, passed the required examination subsequent to the revocation, and met all requirements of an initial applicant.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-60. False, fraudulent statements on application.

It shall be unlawful for any person to knowingly make any false, fraudulent, or untruthful statement on any application for food service manager's certification or in any way knowingly conceal any material fact or give or use any fictitious name in order to secure or aid in securing a food service manager's certification required by this division. Any food service manager's certification card so secured shall be void.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-61. Fraudulent use of certification.

It shall be unlawful for any person to fraudulently make use of, in any manner for his own or another's benefit or advantage, a food service manager's certification that has not been duly issued to him in accordance with the provisions of this division.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-62. Interpretation.

This article shall be liberally construed and applied to promote its underlying purpose of protecting the public health.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-63. State accreditation; reciprocity.

Notwithstanding any other provision of this division a person who provides written proof that he has completed a training program accredited

by the State of Texas pursuant to subchapter D of chapter 438 of the Health and Safety Code; or similar food safety courses offered by the International Food Safety Council within the immediately preceding period of three years and makes application as otherwise provided in section 20-54(a) of this Code shall be issued a certification under this division. A certification so issued shall expire on the third anniversary of the date that the applicant completed the state accredited or other training program. The application fee for a certification issued under this subsection shall be reduced to \$10.00.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-64. Bed and breakfast limited.

The owner or other person who principally manages the food service operations of a bed and breakfast limited, as defined in section 20-18 of this Code, must be certified, regardless of whether the establishment is required to have a food dealer's permit.

(Ord. No. 99-1346, § 1, 12-15-99)

Secs. 20-65—20-80. Reserved.

ARTICLE III. MEAT AND POULTRY WHOLESALE AND COLD STORAGE FACILITIES*

DIVISION 1. GENERALLY

Sec. 20-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Cold storage facility* means any cooler, meat locker or any other cold storage facility of any kind or description within the city which is used, wholly or in part, for the storage of any meat, meat food product, poultry or poultry product which is subject to sale within the city.

*Cross reference—Restrictions on location of slaughterhouses, § 10-271 et seq.

- (2) *Cold storage facility permit* means a valid cold storage facility permit issued by the city pursuant to this article.
- (3) *Cold storage facility permittee* means the holder of a valid cold storage facility permit issued by the city pursuant to this article.
- (4) *Meat* means the carcass or any portion of the carcass of any cattle, sheep, swine, goats or domestic rabbits.
- (5) *Meat food product* means any product which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, goats, domestic rabbits, and excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which have been exempted from such definition by the United States Secretary of Agriculture or the Texas Commissioner of Health.
- (6) *Meat wholesaler* means any person who sells within the city any meat or meat food product to any person who is required to hold a food dealers permit pursuant to article II of this chapter. It does not include any person who holds a valid city food dealers permit unless such person also conducts meat or meat products wholesale operations which are not within the scope of his city regulated and inspected activities as the holder of a food dealers permit.
- (7) *Meat wholesaler permit* means a valid permit to act as a meat wholesaler issued by the city pursuant to this article.
- (8) *Meat wholesaler permittee* means the holder of a valid meat wholesaler permit issued by the city pursuant to this article.
- (9) *Poultry* means any domesticated bird, whether live or dead.
- (10) *Poultry product* means any poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry and which have been exempted from such definition by the United States Secretary of Agriculture or the Texas Commissioner of Health.
- (11) *Poultry wholesaler* means any person who sells within the city any poultry or poultry product to any person who is required to hold a food dealers permit pursuant to article II of this chapter. It does not include any person who holds a valid city food dealers permit unless such person also conducts poultry or poultry products wholesale operations which are not within the scope of his city regulated and inspected activities as the holder of a food dealers permit.

- (12) *Poultry wholesaler permit* means a valid permit to act as a poultry wholesaler issued by the city pursuant to this article.
- (13) *Poultry wholesaler permittee* means the holder of a valid poultry wholesaler permit issued by the city pursuant to this article.
- (14) *Premises* means a parcel of land including the improvements thereupon. A premises may include two (2) or more lots or tracts of land provided that the boundaries thereof are adjoining and the lots or tracts are under the ownership or control of the same person.
(Code 1968, § 19-64; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-82. Health officer's duties.

The permits and inspections required under this article shall be issued and performed by the health officer. The health officer shall have authority to establish rules relating to this article as to administrative matters such as the places where permit applications will be accepted, the hours of issuance and inspection and the forms of permits and permit applications. The health officer shall cause a copy of such rules and amendments thereto to be furnished to the city secretary for filing and public inspection.

(Code 1968, § 19-65; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-83. Transportation generally.

It shall be unlawful for any person to transport or cause to be transported in any vehicle through the streets or public ways of the city any meat, meat food product, poultry or poultry product which is subject to sale within the city unless the same is completely and thoroughly wrapped or covered in accordance with applicable state and federal regulations, provided that meat in carcass may be transported as suspended on rails without wrap under those circumstances where such transport is permitted by applicable state or federal regulations. Each transport vehicle shall be maintained in a sanitary condition at all times. Each transport vehicle shall be completely enclosed and of such construction that it can be readily washed and kept in a sanitary condition. The driver's compartment of any such vehicle shall be separated from the load-hauling area, and the load-hauling area shall be kept closed at all times

during transportation so as not to expose the contents to flies, dust, dirt, filth or any other deleterious substances or vectors.

(Code 1968, § 19-66; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-84. Vehicle identification.

Every meat wholesaler permittee or poultry wholesaler permittee who shall make use of any motor vehicle for the purpose of transporting any meat, meat food product, poultry or poultry product in the regular course of his business operations within the city shall cause his name to be permanently affixed and prominently displayed upon at least two (2) sides of such motor vehicle in letters not less than three (3) inches in height. He shall also cause the words "Meat Delivery," "Poultry Delivery" or "Meat and Poultry Delivery," as applicable to be permanently affixed and prominently displayed thereupon in the same manner.
(Code 1968, § 19-67; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-85. Sale of uninspected or unapproved products.

No person shall sell or offer or expose for sale within the city any meat, meat food product, poultry or poultry product that is required to be inspected pursuant to state or federal laws, rules and regulations which has not been so inspected and passed thereunder.

(Code 1968, § 19-68; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-86. Sale of adulterated, misbranded etc., products.

No person shall sell or offer or expose for sale within the city any meat, meat food product, poultry or poultry product which is adulterated or misbranded or otherwise not subject to lawful sale pursuant to applicable state and federal laws, rules and regulations.

(Code 1968, § 19-69; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-87. Records.

Each meat wholesaler permittee and each poultry wholesaler permittee shall maintain records of each batch or lot of meat, meat food products, poultry or poultry products of which any portion is sold within the city so that if any portion thereof is determined to be adulterated, misbranded or

otherwise not in compliance with law, the remainder thereof may be promptly located upon request for such information by the health officer. Such records need not be maintained within the city. (Code 1968, § 19-70; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-88. Application of article to products not capable of use as human food.

The provisions of this article shall not apply to the transport, storage or sale of any product which is naturally inedible by humans or which has been denatured or otherwise identified as required by applicable state or federal laws or regulations to deter its use as human food. (Code 1966, § 19-71; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-89. Cold storage facility conditions.

Each cold storage facility shall be maintained at all times in a clean and wholesome condition in compliance with all applicable state and federal laws, rules and regulations. (Code 1968, § 19-72; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-90. Inspections.

The health officer may, upon request and at all reasonable times, inspect any cold storage facility, any meat wholesaler permittee's and/or poultry wholesaler permittee's delivery vehicles or products and any records required to be kept pursuant to this article. (Code 1968, § 19-73; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-91. State and federal cooperation.

The health officer shall cooperate with applicable state and federal officers, departments and agencies in the enforcement of this article. Any conduct specified in this article which constitutes a breach of state or federal civil or criminal laws, rules or regulations shall be referred to appropriate state or federal authorities for abatement and enforcement pursuant thereto. (Code 1968, § 19-74; Ord. No. 81-1458, § 2, 8-4-81)

Secs. 20-92—20-100. Reserved.

DIVISION 2. PERMITS

Sec. 20-101. Meat wholesaler permit required.

(a) It shall be unlawful for any person to act as a meat wholesaler unless such person is a meat wholesaler permittee.

(b) It is an affirmative defense to prosecution under this section that the person is acting as an employee, agent or broker for and on behalf of a meat wholesaler permittee.

(Code 1968, § 19-80; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-102. Poultry wholesaler permit required.

(a) It shall be unlawful for any person to act as a poultry wholesaler unless such person is a poultry wholesaler permittee.

(b) It is an affirmative defense to prosecution under this section that the person is acting as an employee, agent or broker for and on behalf of a poultry wholesaler permittee.

(Code 1968, § 19-81; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-103. Cold storage facility permit required.

(a) No person shall operate any cold storage facility unless such person is a cold storage facility permittee.

(b) The provisions of this section shall apply regardless of whether the cold storage facility is operated by a meat wholesaler permittee and/or by poultry wholesaler permittee or not; provided that a cold storage facility permit shall not be required, and it shall be an affirmative defense to prosecution under this section that:

- (1) The cold storage facility is part of the inspected premises of a state or federally inspected 'official establishment' at which meat, meat food products, poultry or poultry products are prepared or slaughtered under inspection of state or federal veterinary health inspectors; or
- (2) The cold storage facility is operated by a person who holds a valid food dealer's permit issued by the city under article II of this chapter, and the operation of such cold storage

facility is within the scope of his city regulated and inspected activities as the holder of a food dealers permit.

(Code 1968, § 19-82; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-104. Applications.

Each person desiring a meat wholesaler permit, poultry wholesaler permit or cold storage facility permit or any combination of such permits shall make application therefor to the health officer setting forth:

- (1) The name and address of the person;
 - (2) The permit desired;
 - (3) In the case of meat wholesalers or poultry wholesalers, the address at which the records required to be maintained pursuant to section 20-87 will be kept, the persons who may be contacted for routine and emergency access thereto and their business and residence addresses and telephone numbers;
 - (4) The address of each premises within the city, if any, at which the person operates a cold storage facility;
 - (5) In the case of meat wholesalers or poultry wholesalers who distribute products out of a cold storage facility within the city which is operated by another person, then the name and address of the cold storage facility and its operator;
 - (6) In the case of meat wholesalers and poultry wholesalers who do not distribute all of their products from a cold storage facility within the city, then the names, addresses and telephone numbers of the persons who may be contacted by the health officer to arrange for inspection of representative product samples from time to time;
 - (7) If such person operates any motor vehicle as described in section 20-84, then the addresses of the garages or other places at which such vehicles may be inspected by the health officer.
- (Code 1968, § 19-83; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-105. Fees.

(a) Fees for the permits required by this article are hereby levied and shall be collected as follows:

- (1) For a meat wholesalers permit the fee shall be the sum of one hundred fifty dollars (\$150.00).
- (2) For a poultry wholesalers permit the fee shall be the sum of one hundred fifty dollars (\$150.00).
- (3) For a cold storage facilities permit the fee shall be one hundred twenty-five dollars (\$125.00) for each premises at which the applicant operates a cold storage facility thereunder.

(b) Such fees shall be tendered with the application and shall not be refunded under any circumstances unless the permit application is denied. In case the application is denied, the fee shall be fully refunded.

(c) A permit holder who has lost any of its permits described in subsection (a) may obtain a replacement permit from the health officer for a fee of ten dollars (\$10.00) per lost permit.
(Code 1968, § 19-84; Ord. No. 81-1458, § 2, 8-4-81; Ord. No. 82-1109, § 10, 7-13-82)

Sec. 20-106. Term.

The term of the permits required and issued pursuant to this article shall be one year commencing on the date of issuance thereof.
(Code 1968, § 19-85; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-107. Issuance.

Upon application pursuant to section 20-104 the health officer shall cause a permit to be issued unless he finds that:

- (1) The application is incomplete or contains false information; or
 - (2) The applicable fees were not tendered therewith; or
 - (3) The applicant has had a permit under this article which has been revoked during the immediately preceding period of three (3) years.
- (Code 1968, § 19-86; Ord. No. 81-1458, § 2, 8-4-81)

Sec. 20-108. Suspension or revocation.

The permits issued pursuant to this article may be suspended or revoked for violations of this article or of any state or federal laws, rules or regulations relating to activities covered by this arti-

cle in the same manner and upon the same procedures prescribed in sections 20-41 through 20-43 of this Code for revocation or suspension of a food dealers permit.

(Code 1968, § 19-87; Ord. No. 81-1458, § 2, 8-4-81)

Secs. 20-109—20-119. Reserved.

ARTICLE IV. SEAFOOD DEALERS*

DIVISION 1. GENERALLY

Sec. 20-120. Definition.

As used in this article the term "department" shall mean the department of health.

Sec. 20-121. Fixed place of business required.

It shall be unlawful for any person to sell, or engage in the business or wholesale distribution of, or offer for sale or distribution, within the city, any fish, oysters, shrimp, lobsters, crabs or other seafood without having a fixed and established place of business within the city for such purpose unless such a business outside of the city is duly inspected and approved by another local, state or federal health authority.

(Code 1968, § 19-413)

Sec. 20-122. General requirements for buildings and premises.

The building in which any business for which a permit is required by this article, is to be conducted shall be constructed in accordance with the laws and ordinances of the city. Such premises shall be properly ventilated; the walls of such premises, and the benches, tables, and other furniture therein shall be built and constructed in such manner that they can easily be kept clean; such premises shall contain sufficient and adequate refrigeration; all plumbing shall comply with the plumbing rules and regulations of the city. Such premises shall be equipped with sanitary toilets, as required by the laws of the state, and such toilets shall not be located in any room which shall connect directly with the rooms where

seafood products are cleaned, packed, stored or prepared for or offered for sale. The premises shall be equipped with wash basins or basins with individual or paper towels available in such toilets, and dirty, unused clothing shall not be permitted to be stored or kept in any room in such premises where seafood products are cleaned, stored, packed, prepared for or offered for sale, unless kept in a clean, covered container.

(Code 1968, § 19-414)

Cross reference—Building code, § 10-1.

Sec. 20-123. Inspection of premises.

It shall be the duty of the health officer to inspect the establishments located in the city regulated by this article from time to time after a permit has been issued, and as often as, in the discretion of the health officer, may be necessary for the proper regulation of such establishments, within the terms of this article.

(Code 1968, § 19-415)

Sec. 20-124. Compliance with state or federal regulations.

It shall be unlawful to sell or offer for sale within the city, any fish, oysters, shrimp, lobsters, crabs or other seafood which, if taken from the waters under the jurisdiction of the state, have not been approved by the state department of health and under the regulations and permit of such department, both as to preparation and packing for shipment and shipment, or if such fish, oysters, shrimp, lobsters, crabs or other seafood is taken from the waters under the jurisdiction of any other state, it shall be unlawful to sell or offer for sale within the city any fish, oysters, shrimp, lobsters, crabs or other seafood which has not been taken from the waters under the jurisdiction of such state, and under the regulations and permit of and approved by the proper authorities of such state, and of the United States public health service, both as to preparation and packing for shipment and shipment, and in so selling and offering for sale such fish, oysters, shrimp, lobsters, crabs or other seafood, it must be indicated either by certificate or otherwise from such state authorities that such fish, oysters, shrimp, lobsters, crabs or other seafood was taken from

*Cross reference—Itinerant vendors, Ch. 22.